

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JON HERNANDEZ,

Petitioner,
V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:11-CV-00638-RCJ-WGC

LANCE S. WILSON, et al.,

Respondents.

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that petitioner's motion (#4) seeking to pay a \$5.00 filing fee is **DENIED** given that the proper filing fee for this action, properly construed as seeking to avoid the requirements applicable to civil rights actions, is \$350.00.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice and that this dismissal shall count as a "strike" for purposes of 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**, as jurists of reason would not find the dismissal of this action to be either debatable or incorrect.

IT IS FURTHER ORDERED that the Court certifies to the Court of Appeals pursuant to 28 U.S.C. 1915(a)(3) that any appeal taken – patently – is not taken in good faith.

December 12, 2011

LANCE S. WILSON
Clerk

D. R. Morgan
Deputy Clerk